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CHILD ACCOUNTING AND SCHOOL ATTENDANCE

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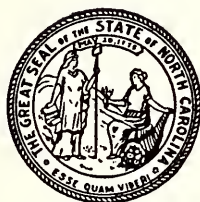
CHILD ACCOUNTING

AND


SCHOOL ATTENDANCE

NORTH CAROLINA PUBLIC SCHOOLS

CHILD ACCOUNTING AND SCHOOL ATTENDANCE



Issued by the State Superintendent of Public Instruction,
Raleigh, N. C.



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FOREWORD

Because general education is essential to the welfare of the State, a law has been enacted by the North Carolina General Assembly making school attendance compulsory for all children between the ages of seven and sixteen. The State Board of Education has been authorized to prepare such rules and regulations as may be necessary for the proper enforcement of this law. The State Board is also clothed with the authority to adopt rules and regulations for taking a complete census and for keeping a continuous census of the school population. These rules and regulations are included as a part of this publication.

This bulletin also includes many other matters concerning child accounting and school attendance, as indicated in the Contents. Insofar as possible these various matters are attuned to the legal aspects of school attendance and to the procedures for complying with the law. It will be noted that each member of the professional staff has a responsibility in school attendance. Where attendance workers or visiting teachers are employed, they of course have as their primary duty that of helping parents understand their responsibility in accordance with the law and with the regulations of the State Board of Education, the opportunities which the schools offer to the children of the State, and the importance of schools to our American way of life. Where no attendance worker is employed, the superintendent of public welfare is charged with the enforcement of the compulsory school attendance law. It is hoped that resort to law enforcement in order to maintain regular school attendance will not be necessary, but rather that all parents will want their children to receive as good an education as can be provided.

As we work together to achieve better schools, let us be mindful of the importance of regular school attendance.



State Superintendent of Public Instruction

July 7, 1960

P40751

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I. CHILD ACCOUNTING FACTORS

A CONTINUOUS CENSUS

An accurate and complete census of all school age children is essential to the administration and operation of an efficient school system. On the accuracy of the count of those eligible to attend the public schools depends the potential school size and a knowledge of grade distribution, including especially the number of school beginners. Information learned by the census also includes the number of physically and mentally handicapped and a record of those attending private schools. With the information thus obtained, boards of education and other school authorities are able to determine whether the schools are discharging their responsibility according to law and whether parents and guardians are complying with the compulsory attendance law.

The Constitution of North Carolina (Art. IX, sec. 2) authorizes the General Assembly to provide for "a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years." The school census, therefore, if it comes within the scope of this provision and if it is to enable school authorities to exercise their full responsibilities, must include all children between the ages specified. It *must* include not only those children who attend public schools, but also those who attend or express an intent to attend non-public schools. It must include those who have graduated from high school, those who have dropped out of school after reaching their sixteenth birthday, those who are employed or who are attending college, and those who are deaf, blind, crippled, or have been properly exempted from school, or who are in orphanages or other institutions.

ENUMERATION PROCEDURE

North Carolina law (sec. 115-161) authorizes the State Board of Education to adopt such rules and regulations as may be necessary for taking a complete census of the school population and for installing and keeping in the office of the county and city superintendent in each school administrative unit of the State *a continuous census* of the school population.

In compliance with this authority, the following procedure has been adopted:

1. The superintendent as head of the county or city administrative unit is responsible for keeping the continuous census in compliance with the law.

a. He may delegate this duty to the attendance worker, or otherwise instruct teachers and principals as to the procedure for obtaining an accurate and complete census at the beginning of each school year and for keeping this census continuous by monthly corrections during the school term.

b. He shall provide teachers and principals with forms upon which all census data shall be entered, and from which basic data relative to making various required reports may be obtained.

2. The principal, or head teacher, shall keep a card file of all children in the district over which he has jurisdiction. A summary of this file shall be filed with the superintendent.

a. A census card shall be available prior to school opening during each year for each child between the ages of six and twenty-one years. The file shall include children who will be eligible to enter first grade the ensuing school year.

b. The census card may be provided by the school board, or it may be the form printed and purchased from the State Department of Public Instruction. (See Appendix.)

c. The information on the card shall include the full name of the child, date of birth, age, sex, race, place of residence, name and address of parent or guardian, and such other information as may be necessary.

3. "The cost of taking and keeping the census shall be included in the budget and shall be paid out of the current expense fund." (Sec. 115-161.)

4. "If any parent, guardian, or other person having the custody of a child, refuses to give any properly authorized census taker the necessary information to enable such person to obtain an accurate and correct census, or shall knowingly and wilfully make any false statement relative to the age or the mental or physical condition of any child, he shall be deemed guilty of a misdemeanor and upon conviction shall be fined not to exceed

twenty-five dollars (\$25.00) or imprisoned not to exceed thirty days, in the discretion of the court." (Sec. 115-161.)

5. As an aid in the administration of the compulsory school attendance law and in order to secure better school attendance throughout the State, the attendance officer, or other person responsible for the enforcement of the law, shall be furnished with a complete census file.

THOSE ENTITLED TO ATTEND SCHOOL

All children of the State between the ages of six and twenty-one years, in accordance with law, are entitled to attend the public schools. This age provision is modified in the case of children entering school their first year by section 115-162 of the General Statutes; and in the case of persons over 21 years of age, who have not completed a standard high school course of study or who desire to study vocational subjects, by section 115-1. (See 2 below for exception.)

"Unless otherwise assigned by the county or city board of education (see "Assignment" below), the following pupils are entitled to attend the schools in the district or attendance area in which they reside:

"1. All pupils of the district or attendance area who have not completed the prescribed course for graduation in the high school.

"2. All pupils whose parents have recently moved into the unit, district, or attendance area for the purpose of making their legal residence in the same." Where a particular child who will not pass the sixth anniversary of his birth prior to October 16 has been attending school in another state in accordance with the laws or regulations of the school authorities of such state before moving to and becoming a resident of North Carolina, such child shall be eligible for enrollment in this State.

"3. Any pupil or pupils living with either father, mother or guardian who has made his or her permanent home within the district." (Sec. 115-163.)

4. "Children living in and cared for by an institution established or incorporated for the purpose of rearing and caring for orphan children shall be considered legal residents of the administrative unit in which the institution is located, and a

part or all of said children shall be permitted to attend the public school or schools of their administrative unit." (Permissive only.) (Sec. 115-164.)

5. "Every deaf and every blind child of sound mind in North Carolina who shall be qualified for admission into a State school for the deaf or the blind shall attend a school for the deaf or the blind for a term of nine months each year between the ages of six and eighteen years." (See Sec. 115-172.)

6. "A child afflicted by mental or physical incapacity, or by such nervous disorders as to make it either impossible for such child to profit by instruction given in the public schools or impracticable for the teacher to properly instruct the normal pupils of the school, *shall not be permitted* (italics ours) to enroll or attend the public schools of the State." (Sec. 115-165.) (See sections 115-200 and 115-296.)

ENTRANCE AGE

"Children to be entitled to enrollment in the public schools for the school year 1955-1956, and each year thereafter, must have passed the sixth anniversary of their birth before October first of the year in which they enroll, and must enroll during the first month of the school year." The State Board of Education in accordance with law has changed the above dates to October 16. Exception is made in case of children enrolled in school in another state before moving to North Carolina. (Section 115-162.)

IMMUNIZATIONS

"All children in North Carolina are required to be immunized against diphtheria, tetanus, and whooping cough before reaching the age of one year and are required to be immunized against smallpox before attending any public, private, or parochial school." (Sec. 130-87.)

No principal shall permit any child to enter a public, private or parochial school without the certificate provided for (by the State Board of Health), or some other evidence of immunization against smallpox, diphtheria, tetanus, and whooping cough. (Sec. 130-90.) This requirement does not apply: (a) If the physician certifies that a preparation required to be administered is detrimental to the child's health, or (b) if the parents or guardian of such child are bona fide members of a recognized religious organization whose teachings are contrary to the practices required for immunization. (Sec. 130-92.)

KINDERGARTENS

Under the law (Sec. 115-38) kindergartens may be established as a part of the public school system when a special tax is voted in a special election for that purpose.

PRIVATE SCHOOLS

The provisions of the compulsory attendance law apply to all private schools receiving and instructing such children. (Sec. 115-166.) (See also Sections 115-255-257 for attendance at non-public schools.)

ASSIGNMENT AND ENROLLMENT

"Each county and city board of education is hereby authorized and directed to provide for the assignment to a public school of each child residing within the administrative unit who is qualified under the laws of this State for admission to a public school." (Sec. 115-176.)

TRANSPORTATION

"Each county board of education, and each city board of education is hereby authorized, but is not required, to acquire, own and operate school buses for the transportation of pupils enrolled in the public schools of such county or city administrative unit and of persons employed in the operation of such schools. . . ." (Sec. 115-180.)

Public school buses may be used for the following purposes only:

1. For the transportation of pupils enrolled in and employees in the operation of the school to which such bus is assigned . . . limited to transportation to and from such school for the regularly organized school day, and from and to the points designated by the principal of the school to which such bus is assigned, for the receiving and discharging of passengers. The board shall not be required to transport pupils living within one and one-half miles of the school in which such pupil is enrolled. (Sec. 115-183.)

2. For transporting ill or injured pupils or employees requiring immediate medical attention and other persons to accompany such ill or injured person to a doctor or hospital for medical treatment. (Sec. 115-183.)

3. For the transportation of pupils and teachers on necessary field trips to and from demonstration projects carried on in connection with courses in agriculture, home economics, and other vocational subjects. (Sec. 115-183.)

4. For the transportation of pupils and teachers to health clinics. (Sec. 115-183.)

5. For the transportation of pupils and teachers to concerts given by the North Carolina Symphony Orchestra. (Sec. 115-183.)

6. For the evacuation of pupils and other school employees for civil defense purposes. The principal of the school shall assign pupils and employees who may be transported. (Sec. 115-183.)

RECORDS AND REPORTS

A system of records and reports is essential to proper child accounting and pupil personnel work. In North Carolina a number of such record and report forms have been devised for this purpose:

1. *The Census Card.* (Discussed on p. 47.)

2. *The Register.* There are two State types—Elementary and High School. They are alike in many respects. Instructions for keeping the register are printed on the inside cover pages of each type. Unless these instructions are carefully followed by the teacher, the data as to school attendance will not be true. It is essential, therefore, that every teacher follow the same procedure in order that such records will be uniform for the State as a whole.

3. *Teacher's Monthly Grade Report.* Sheets (blue) in sufficient quantity have been printed as a part of the register. These reports should be completed and filed with the principal at the end of each school month.

4. *Principal's Monthly Report.* Each school principal shall file with the superintendent a report showing various facts as to school attendance as required. The Teacher's Monthly Grade Report and Census Summary are used as a basis for compiling this principal's report. The State form is furnished to superintendents for distribution to principals.

5. *Teacher's Yearly Grade Report.* This form is also included as a part of the register and instructions for making it are contained therein. It should be filed promptly at the close of the year with the principal.

7. *Principal's Final Report.* Information for making this report is compiled from the Teacher's Yearly Grade Reports and from other sources available to the principals. It should be filed promptly at the close of the school year with the superintendent of schools.

8. *Statistical Report.* This report, made in the office of the superintendent (county and city), is a tabulation of the data contained in the Principal's Final Reports and of other information which is available from other records in the superintendent's office. A summary of the tabulated data by schools constitutes the official record of the administrative unit for the school year. The Statistical Report is filed with the State Superintendent of Public Instruction.

9. *North Carolina Cumulative Record, Grades 1-12.* This form has been devised for keeping certain data concerning each child from his school entrance, grade by grade, until his withdrawal or graduation from high school. It is a folder type form. Directions for its use are contained in a separate publication, *A Manual of Directions for Using the North Carolina Cumulative Record*. The forms are printed and sold to the local units by the State Department of Public Instruction.

10. *North Carolina Cumulative Record, Grades 1-12 (Work Sheet, printed on bond paper.)* A duplicate copy of the Cumulative Record should be sent to the principal of the school to which a pupil has transferred.

II. COMPULSORY SCHOOL ATTENDANCE

HISTORICAL

In the early decades of the history of public education in the State, the establishment and support of the free public school system was the main concern of those in authority. Providing school buildings and teachers for those who wanted an education was the primary goal. The question of compulsory school attendance did not arise until the beginning of the present century. Upon taking office in 1902, State Superintendent J. Y. Joyner called attention to poor school attendance; but at that time he advocated better attendance by attraction and persuasion only, except in some mill and factory districts where because of extremely poor situations he advocated "legislation looking to compelling these children to attend the schools while in session." There is no record of any such law being enacted as a result of Superintendent Joyner's recommendation, except what he called a "mild compulsory attendance law" which was passed by the General Assembly of 1903 for Macon County.

Thinking that other counties would follow the lead of Macon by having special laws passed governing compulsory attendance, Superintendent Joyner did not advocate a State-wide law until 1907, when he proposed "reasonably, conservative compulsory laws." A law applying to children between the ages of eight and fourteen was enacted as a result of this recommendation, but its enforcement was made optional with the local community or county.

It was not until 1913 that the first State-wide compulsory attendance law was enacted. This law applied to all children between eight and twelve years of age during the period school was in session. In 1917 the upper age limit was raised to fourteen years. In 1921 the minimum age was lowered to the present seven years. And the General Assembly of 1945 raised the upper limit to fifteen years for the school term 1945-46 and to sixteen years thereafter.

With certain exceptions (See exceptions below), the law now provides for compulsory attendance in school of all children between the ages of seven and sixteen for the duration of the school term. Under the law (G. S. 115-166 to 115-175), the

State Board of Education is authorized "to formulate such rules and regulations as may be necessary for the proper enforcement" of the compulsory attendance law.

Rules and Regulations

(Adopted originally by the State Board of Education, February 24, 1944; revised and re-adopted March 4, 1954; revised and re-adopted July 7, 1960.)

AGES, SCHOOLS, OFFICERS

1. *Ages.* In accordance with law, every child "between the ages of seven and sixteen," that is, a child who has reached his seventh birthday but not his sixteenth birthday, shall be required to attend school continuously for the period of time the public school shall be in session.

2. *Exceptions.* Compulsory attendance "shall not apply with respect to any child when the board of education of the administrative unit in which the child resides finds that:

"(1) Such child is now assigned against the wishes of his parent or guardian, or person standing in loco parentis to such child, to a public school attended by a child of another race and it is not reasonable and practicable to reassign such child to a public school not attended by a child of another race; and

"(2) It is not reasonable and practicable for such child to attend a private nonsectarian school, as defined in article 35 of this chapter." (G. S. 115-166.)

3. *Schools.* Schools shall be defined as follows:

(1) A *public school* is one established, maintained, and operated by a county or city board of education appointed or elected by law.

(2) A *private (non-public) school* is one not established, maintained, and operated by a county or city board of education appointed or elected by law. These are generally of two types:

(a) *Sectarian school*, one whose operation is controlled directly or indirectly by any church or sectarian body or by any individual or individuals acting on behalf of a church or sectarian body.

- (b) *Nonsectarian school*, for purposes of Art. 35 is one "whose operation is not controlled directly or indirectly by any church or sectarian body or by any individual or individuals acting on behalf of a church or sectarian body." (G. S. 115-275)

4. *Records and reports*. "All private schools receiving and instructing children of a compulsory attendance age shall be required to keep such records of attendance and render such reports of the attendance of such children and maintain such minimum curriculum standards as are required of public schools . . . and extend for at least as long a term." (G. S. 115-166)

5. *Attendance officer*. Except where a special attendance officer is employed under the provisions of G. S. 115-168, the county superintendent of public welfare shall be the chief school attendance officer provided for by law and is charged with the duty of investigating and prosecuting all violations of the compulsory attendance law. The reports of teachers (Form C5) shall provide the attendance officer with the necessary information upon which to proceed in the enforcement of the law.

WHEN ABSENCES MAY BE EXCUSED

G. S. 115-166 of the compulsory attendance law provides that "The principal, superintendent or teacher who is in charge of such school shall have the right to excuse a child temporarily from attendance on account of sickness, distance of residence from bus route or school, or other unavoidable cause which does not constitute truancy as defined by the State Board of Education."

The following shall constitute valid conditions for excused absences due to temporary non-attendance:

1. *Illness of the child* when substantiated by a physicians' certificate or other satisfactory evidence of illness. If the principal is not satisfied that the reputed illness is sufficient cause for absence, he shall report the case to the county health officer for final decision.

2. *Illness in the home* when it is apparent that the child's services are needed or wherever there may be danger of spreading a contagious disease.

3. *Death in the immediate family*.

4. *Quarantine*, which is understood to mean isolation by order of the local health officer or by the State Board of Health.

5. *Physical incapacity*, which is interpreted to mean physical defects making it difficult for the child to attend school, or which render the instruction of the child impracticable in any other than a special class or a special school. Any child excused for this reason shall be reported in writing to the superintendent of public welfare and to the school attendance officer. (G. S. 115-165.)

6. *Mental incapacity* as defined in G. S. 115-165. Any children excused for this reason shall be reported in writing to the superintendent of public welfare.

7. *Severe weather* which may be dangerous to the health or safety of the child in transit to and from school.

8. *Distance from the school* if the child resides two and one-half miles or more by the nearest route of travel from the child's residence to an established school or bus route.

NOTE: The present law on State transportation of pupils provides that the bus route shall come within one mile of the child unless road or other conditions make it inadvisable.

9. *The completion of the course of study* of the public school to which the child is assigned although said child may not have reached his sixteenth birthday.

10. *Immediate demands of the farm or home* in certain seasons of the year in the several sections of the State. (Sec. 115-167). Since the conditions in different parts of the State vary, the State Board of Education authorizes county and city boards of education to excuse temporary non-attendance in any particular administrative unit where the agricultural conditions are such as to show a reasonable need for the services of the child, under the following conditions:

- a. When it is apparent that the demands of the farm are sufficient enough to require the immediate services of the child, and when it is apparent that sufficient assistance to meet these demands is not available and cannot be secured.
- b. When it is apparent that the demands of the home, due to sickness or other causes, are such as to require the immediate assistance of any child, and when it is apparent that immediate assistance is not otherwise available in the home and cannot be secured.

(See suggested procedure for requiring written excuses in complying with this condition under "Rules of Procedure in Law Enforcement" below.)

WHEN ABSENCES MAY NOT BE EXCUSED

Absences from school of children between the ages of 7 and 16 may not be excused for the following causes:

1. *Truancy.* Truancy is defined to mean a child's willful absence from school without the knowledge of the parent, or a child's absence from school without cause with the knowledge of the parent. The school should cooperate in every way possible with the parent to prevent or correct truancy, and the necessity for assuming this responsibility should be impressed upon the parent. If the child persists willfully in absenting himself from school, the teacher shall report the absence to the principal who in turn shall report it to the attendance officer.

2. *Other Unlawful Absences.* Parents who refuse to comply with the health regulations of a community, such as compulsory vaccination, thereby causing a child to be excluded from the school, or parents who permit a child to stay at home or to be employed in any way contrary to the Child Welfare Law (Chapter 110 of the General Statutes), shall be responsible for the non-attendance of the child.

SUSPENSION OR DISMISSAL

When the teacher finds that the conduct of a pupil is such as to merit either suspension or dismissal, he shall report the child to the principal. If, after investigation, the principal deems suspension or dismissal advisable, he shall make the appropriate order and report such suspension or dismissal to the superintendent, to the attendance officer, and to the superintendent of public welfare as chief probation officer. (See suggested form in Appendix.)

The attendance officer may, depending upon the seriousness of the case, carry the child before the judge of the juvenile court having jurisdiction in the matter. A copy of the notice of suspension or dismissal will be accepted by the attendance officer, the superintendent of public welfare, and the juvenile court as information either to assist with plans for a child who is already an active case or to hold as a record in readiness whenever outside help is requested.

The principal may reinstate a pupil before the suspension period ends if it is at all evident that the child may be helped by this action. A reinstatement should be allowed when the principal and/or the juvenile court deem it to be in the child's best interest. Any suspension or dismissal in excess of ten school days and any suspension or dismissal denying a pupil the right to attend school during the last ten school days of the school year shall be subject to the approval of the county or city superintendent. (G. S. 115-147.)

RULES OF PROCEDURE IN LAW ENFORCEMENT

Duties of Teachers

The teacher is the key person in the enforcement of the compulsory attendance law. It shall be his duty:

1. To inform pupils and parents of the value and importance of regular school attendance.

- a. By classroom activities
- b. By assembly programs
- c. By programs and announcements at parent-teacher association and teachers' meetings
- d. By visits and talks with individual parents or guardians
- e. By written material (printed or mimeographed)
- f. By developing public sentiment in the community for regular school attendance

2. To ascertain the cause of non-attendance and thus determine when an absence is *excused* or *unexcused* in the legal sense. See pages 14-16 and G. S. 115-167.)

- a. *Written Excuses.* The practice of requiring written excuses is recommended as a means of obtaining information as to the cause of absences. However, when the teacher obtains knowledge through another means that the cause of an absence is lawful under these Rules and Regulations and a written excuse is not provided, such absences should not be reported as "unlawful." Each child should be instructed to bring from the parent a written excuse, stating the cause of absence, on the *first day* after having been absent.

In the case of Rule 10 under "When Absences May Be Excused" applying to absences due to demands of the

farm or home, the following procedure should be followed:

- (1) The parent should make request for the child's absence to the teacher, stating the approximate number of days of anticipated absence and the purposes for absence. This should be made several days prior to the intended period of absence.
 - (2) The teacher should refer this request to the principal who in turn should request the attendance officer (or superintendent of public welfare) to investigate the demands of the farm of the parent concerned.
 - (3) After investigation the attendance officer (or superintendent of public welfare) should report his findings to the principal.
 - (4) On the basis of this report and such other facts as he may have, the principal should approve or disapprove the request for the pupils' absence, and notify the parent and teacher.
- b. *Notice of absence.* In case the teacher has not received a written excuse or has not learned the cause of the child's absence from any other source, a written inquiry, or "Notice of Absence," shall be sent to the parent or guardian requesting an excuse and stating that if a satisfactory excuse is not provided, the child will be reported to the attendance officer for violation of the Compulsory Attendance Law.
- NOTE: A printed form, *Notice of Absence*, Form C3, may be secured from the principal of the school. (See Appendix, p. 48.)
- c. *Report to principal.* In case no reply is received from this Notice within a reasonable time, not exceeding 5 days, and the child has not returned to school, the teacher shall report the child to the principal. (*Report of Unlawful Absence* form shall be used; see Appendix, p. 49.)

Duties of Principals

The principal, as executive officer of the school, shall have the following responsibilities for the enforcement of the Compulsory Attendance Law and the Rules and Regulations adopted by the State Board of Education:

1. He shall, in so far as it relates to his activities, utilize the means outlined under 1 as to duties of teachers to inform pupils, parents, and *teachers* as to their respective duties in regard to school attendance. He shall also perform his duties as specified in 2,a above.
2. He shall keep a supply of each of the prescribed forms on hand for use by himself and the teachers working under his supervision. These forms should be secured from the superintendent.
3. He shall report, on the forms prescribed, cases of *unlawful absence* to the attendance officer. When the principal receives a report from the teacher that a child is (or was) unlawfully absent from school, he shall report the child's absence to the attendance officer on the form provided for that purpose (Form C5). He shall give the information in detail as indicated on the form concerning each child reported. He shall prepare such reports on unlawful absence in duplicate, sending both copies to the attendance officer. When circumstances seem to warrant, the principal should confer with the attendance officer concerning each particular case, giving additional facts surrounding each violation of the law which are indicated on the form. (See "Duties of Attendance Officers" below.)
4. He shall report, on the forms prescribed, all cases of suspension or dismissal to the attendance officer and to the superintendent. (See 4 under "Duties of Superintendents.")
5. In case a child or parent is reported to the juvenile court for failure of the child to attend school and the principal is called as a witness, it shall be the principal's duty to appear when so called at the time and place specified, and have with him the teacher's report of unlawful absence (Form C5). The teacher also may be called as a witness.
6. A request by a parent for reinstatement of a pupil from suspension or dismissal shall be made to the principal. If the case is one that has not been reported to the juvenile court and the principal decides reinstatement should be made, he shall report reinstatement to the attendance officer. If, on the other hand, the case has been reported to the juvenile court for decision, the principal or attendance officer should refer the request for reinstatement to

that court. The court should report its decision to the principal and attendance officer.

7. He shall report to the welfare superintendent the "School Record," Form D. L. 4, of any child who expects to enter employment following the close of the school term.

Duties of Superintendents

The superintendent of the county or city administrative unit shall assume the responsibility for creating and encouraging public sentiment favorable to the enforcement of the Compulsory Attendance Law.

1. Through teachers meetings, parent-teacher association meetings, newspapers, periodical releases, and other media, he shall keep the public informed about the value, importance and necessity of regular school attendance; and he shall advise principals and teachers as to their duties and responsibilities in respect to the enforcement of the law and in building up public sentiment for regular school attendance.
2. He shall arrange with the attendance officer or superintendent of public welfare for meetings with teachers and principals for discussions concerning school attendance and the enforcement of the Compulsory Attendance Law. Participation in such meetings by the judge of the juvenile court is also recommended.
3. He shall endeavor to obtain cooperation among all concerned—pupils, parents, teachers, principals, attendance officers, and court officials—in the administration of the law.
4. He shall provide such forms and materials as are necessary for the administration of the law and of the Rules and Regulations of the State Board of Education, and distribute these materials to the school principals.

NOTE: Notice of Absence and Report of Unlawful Absence forms may be obtained from the State Superintendent of Public Instruction. The superintendent may, however, devise any form that may better fit the needs of his unit. This may be necessary in case a special attendance officer is employed. A letter or statement to principals and teachers at the beginning of the year, in which attention is called to the law and with the suggestion that a statement be prepared and distributed to the children for the parents, is especially desirable.

Duties of Attendance (or Welfare) Officers

The attendance officer shall, under the law, "*investigate and prosecute all violators*" of the Compulsory Attendance Law:

1. *Investigation or study.* Upon receiving from the principal a report of unlawful absence, suspension or dismissal, or request for absence under rule 10, the attendance officer (or superintendent of public welfare in case no special attendance officer is employed) shall investigate the conditions surrounding the causes of absence or proposed absences of each case. In so far as practicable, the investigation should be done by personal visit.
 - a. *Indigency.* Indigency shall not be a lawful excuse for absence from school. In case absence is due to indigency, the attendance officer should inquire into the matter and bring it to the attention of the department of public welfare.
 - b. *Truancy and parental indifference.* In case a personal visit is not feasible, a personal letter should be sent to the parent in which attention is called: (1) to the child's being reported for unlawful absence; (2) to the failure of the parent to render a *valid excuse* to the teacher for the child's non-attendance; and (3) a warning that unless the child returns to school immediately, or a satisfactory excuse is rendered to the principal and attendance officer as to why the child is or was not in school, that under the Compulsory Attendance Law the parent will be prosecuted, or in the case of truancy, that the child will be carried before the judge of the juvenile court.
2. *Prosecution.* If no satisfactory excuse is furnished by the parent at the time of a personal visit, or if following a letter the parent shall fail within a reasonable time (to be stipulated in the letter of notification) to furnish a satisfactory excuse as to the child's absence, then the attendance officer shall cause a warrant to be issued against the parent charging a violation of the Compulsory Attendance Law. If from the investigation, truancy has been determined as the cause of a child's absence, then the attendance officer shall file a petition and cause a summons to be issued by the court, requiring the parent to bring the child before the juvenile court judge upon a certain day for a

hearing. The testimony of the attendance officer shall be admitted as evidence in each case.

3. *Report to principal.* The attendance officer shall report to the principal the results of the investigation, or prosecution, in case there is any, of each case reported to him. The duplicate copy of the report of the unlawful absence to the attendance officer shall be used for this purpose. The original copy properly filled out shall be retained in the files of the attendance officer as his official record on the case.
4. *Other Duties:* (See "School Attendance Workers," pp. 27-28.)

PENALTY FOR LAW VIOLATION

"Any parent, guardian or other person violating the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and upon failure to pay such fine, the said parent, guardian or other person shall be imprisoned not exceeding thirty days in the county jail." (G. S. 115-169.)

III. CHILD LABOR PROVISIONS

(North Carolina Department of Labor, Labor Building,
Raleigh, N. C.)

AGE AND HOUR REQUIREMENTS

Minimum age .

16 in any factory at any time or in any gainful occupation during school hours.

14 in nonfactory employment outside school hours.

Exempted from all provisions of the child-labor laws: Farm work and domestic work performed under the direction or authority of minor's parent or guardian.

(See also *Street Trades and Hazardous Occupations Prohibited by State Law and Federal Fair Labor Standards Act.*)

Certificates

Employment certificates: Required for employment of minors under 18 in any gainful occupation, *except* farm work and domestic work performed under the direction or authority of minor's parent or guardian. Physician's certificate of physical fitness required. No educational requirements, but school record required. Issuing officer may refuse to issue certificate if best interest of minor will be served by such refusal. Promise of employment required.

Proof of age certificates for minors 18 and over: Issued on request for minors between 18 and 21.

Employment and age certificate issued by: County superintendent of public welfare under conditions prescribed by State Department of Labor.

Hours

8-hour day, 40-hour week, 6-day week, for children under 16 in any gainful occupation, *except* farm work and domestic work performed under the direction or authority of minor's parent or guardian.

Combined hours of work and hours in school for children under 16 employed outside school hours shall not exceed 8 a day.

9-hour day, 48-hour week, 6-day week, for minors between 16 and 18 in any gainful occupation, *except* farm work and domestic work performed under the direction or authority of minor's parent or guardian.

Telegraph messenger boys are excepted from the 6-day week in towns where a full-time service is not maintained on Sunday, and may work 7 days a week but not more than 2 hours on Sunday.

Night work.

Prohibited from 6 p.m. to 7 a.m. for minors under 16 in any gainful occupation, *except* farm work and domestic work performed under the direction or authority of minor's parents or guardian.

Prohibited for boys between 16 and 18 from 12 midnight to 6 a.m. in any gainful occupation, *except* farm work and domestic work performed under the direction or authority of minor's parent or guardian, and *except* work until 1 a.m. as messengers. (Employment of girls under 18 as messengers entirely prohibited.)

Prohibited for girls between 16 and 18 from 9 p.m. to 6 a.m. in any gainful occupation, *except* farm work and domestic work performed under the direction or authority of minor's parent or guardian, and *except* that girls 17 years of age may be employed until 10:30 p.m. as ticket takers, concession attendants, and cashiers in motion picture theaters under such rules and regulations as the Commissioner of Labor may prescribe.

STREET TRADES

Minimum age

Girls 18, boys 14, in distributing, selling, exposing or offering for sale newspapers, magazines, periodicals, candies, drinks, peanuts, or other merchandise, in any street or public place, or working as bootblack, in any street or public place, *except* boys 12 or over employed outside school hours on certificate from Department of Labor in the sale or distribution of newspapers, magazines, or periodicals where not more than 75 customers are served in 1 day.

Hours

10-hour week, for boys between 12 and 14 attending school and working outside school hours in sale or distribution of news-

papers, magazines, or periodicals to not more than 75 customers in any 1 day.

8-hour day (including time spent in school), 40-hour week, 6-day week, for boys between 14 and 16 in any of the street trades for which the minimum age is 14, *except* that boys distributing newspapers, magazines, or periodicals on fixed routes may work 7 days a week (between 5 a.m. and 8 p.m.) for not more than 4 hours a day, or 24 hours a week.

Night work

Prohibited from 7 p.m. to 6 a.m. for boys between 12 and 14 attending school and working outside school hours in sale or distribution of newspapers, magazines, or periodicals to not more than 75 customers in any 1 day.

Prohibited from 7 p.m. to 6 a.m. for boys between 14 and 16 and from 12 midnight to 6 a.m. for boys between 16 and 18 in any of the street trades for which the minimum age is 14, *except* that boys distributing newspapers, magazines, or periodicals 7 days a week on fixed routes are prohibited from work from 8 p.m. to 5 a.m.

Employment certificates

Required for all boys under 18. Where the relationship of employer and employee does not exist between the minor and the supplier of the merchandise that the minor sells, parents or guardians are required to obtain employment certificate.

OTHER PROVISIONS

Meal period.

1/2 hour required for children under 16.

1/2 hour required for any retail or wholesale mercantile establishment or other business where any females are employed in the capacity of clerks or salesladies, or waitresses or other employees of public eating places, *except* bookkeepers, cashiers, or office assistants, and *except* establishments employing less than three persons.

Hazardous occupations prohibited.

Under 16 in a comprehensive list of specified hazardous occupations. (See also *Minimum age*.)

Under 18 in a limited list of hazardous occupations.

Under 18 in any place of employment or occupation declared hazardous by the Department of Labor.

Agency authorized to enforce child-labor law.

Department of Labor, Raleigh.

Status of illegally employed minors under the Workmen's Compensation Act.

Illegally employed minors are covered by the compensation act and receive the same compensation as if legally employed.

IV. CHILD ADJUSTMENT SERVICES

SCHOOL ATTENDANCE WORKERS

Some school units, in accordance with permissive legislation, employ school attendance workers. In those units which do not employ attendance workers, the county superintendent of public welfare in accordance with the law is "charged with the duty of investigating and prosecuting all violators of the compulsory attendance law." This particular duty is only part of the work of an attendance worker, and consequently many pupil-personnel services are not provided to the schools.

Attendance Work.

There are in general two aspects of attendance work:

1. *Preventive measures.* In the main the work in this area belongs to the superintendent, supervisor, principal and teacher. However, there are individual instances where the cooperation of the visiting teacher, or attendance worker, is required in order to make such measures effective.
2. *Corrective measures.* Such measures as are necessary should be taken to remedy conditions which are deterrent to the child's normal development and to his regular attendance at school. These are largely the duties of the attendance worker.

In the case of the compulsory attendance law, corrective measures include investigating and prosecuting violators of the law. (See Rules of Procedure, Attendance Officer, p. 21.)

Qualifications.

The attendance worker, or "visiting teacher," should be a mature person, one who has good judgment and the ability to analyze a situation carefully before he acts or suggests action.

He should be a college graduate, with some training in pupil-personnel services and related areas. NOTE. The State Advisory Council on Teacher Education is studying "the entire question of visiting teachers," with a view of making recommendation concerning certification of "visiting teachers."

He should have had some experience in school work. A knowledge of the school and what it is trying to do—its place in the community—is desirable.

He should have an understanding of boys and girls, and their parents.

He should approach each problem with sympathy and with an attitude of helpfulness.

He should be firm, where the situation demands it, and apply the remedy best suited to each particular case in accordance with human understanding as well as the law.

He should dispatch his duties with promptness.

Above all, he should remember that enforcement of the law is a small part of his duty with respect to school attendance.

Suggested Duties.

Some of the duties that should be assigned to the attendance worker are as follows:

Visit schools and homes.

Assist teachers in keeping up-to-date census.

Make investigations as to physical and mental disabilities of children.

Assist in securing regular attendance of those of both compulsory and noncompulsory attendance ages.

Investigate maladjustments.

Investigate absences of those coming within compulsory attendance ages and make reports to principal of school concerning such investigations.

Work with other agencies in enforcement of compulsory attendance law—welfare, health, juvenile courts, etc.

Investigate and prosecute violators of the compulsory attendance law. (See Rules of Procedure, Duties of Attendance Officers, for further duties.)

PUBLIC WELFARE SERVICES

Section 115-168 of the General Statutes provides for the employment of special attendance officers. The Attorney General has ruled that where such officers have not been employed in accordance with this or any local statute "the County Superintendent of Public Welfare would still be charged with the duty of investigating and prosecuting all violators of the compulsory attendance law."

In county and city units which have not employed attendance workers, the county superintendent of public welfare performs

the duties imposed upon attendance officers as specified in other sections of this publication.

There are many services available through county departments of public welfare which will enable the children needing these services to benefit more fully from their school experience as well as contribute to regular school attendance. These services include:

1. Carrying out legal responsibility in cooperation with the schools and the State Board of Public Welfare in determining mental incapacity of children unable to benefit from the regular school program. (See Appendix, G. S. Section 115-165.)
2. Providing psychological services to individual children referred for clinical service.
3. Cooperating with the juvenile courts in providing services to children with special problems, including behavior difficulties.
4. Cooperating with the courts in determining legal custody or guardianship of children.
5. Issuing employment certificates to minors in keeping with the child labor laws.
6. Providing financial assistance when need exists.
7. Certifying for school health program.
8. Certifying and referring for special services, such as crippled children service, orthopedic clinics, eye clinics, Cerebral Palsy Hospital, and other medical and hospitalization needs.
9. Providing case work service in connection with problems of family relations.
10. Providing service to children needing care and protection through adoption, foster home care, specialized institutional placements, and other social services appropriate to meet the needs of the individual child.

It is the right of every child to have the benefit of education and training. It is also the right of each child to have guidance from parents or guardian in realizing this benefit. Many children are out of school because of individual or family maladjustments. Unlawful absence from school is an indication of breakdown in guidance or of economic or other problems in the home

and should receive early and prompt attention. Departments of public welfare offer casework services to families and children with problems and thus help families and children in realizing a better adjustment. The services of the welfare departments are important in achieving and maintaining regular school attendance.

SCHOOL HEALTH SERVICES

The good health of school children is a prerequisite to regular school attendance. Poor health in the form of sickness, ranging from bad colds to serious illness, is a deterrent not only to regular school attendance but also is often a cause of failure in school, sometimes resulting ultimately in final withdrawal.

The State Board of Health through its local health departments has long recognized the problem of community health—contagious diseases, immunizations, quarantine, etc.—and its work in this area has contributed to better community health and improved school attendance. A School Health Program is administered jointly by the State Board of Health and the State Department of Public Instruction.

This Program at present covers the whole State in the promotion of five areas of school health:

1. Health and safety instruction to:
 - a. Develop good health habits and attitudes.
 - b. Teach the facts needed in regard to health and disease.
2. Healthful school living (physical and mental environment).
3. Health service, including identification and correction of physical defects. More specifically, school health services have the following major purposes:
 - a. Protection of the child against health hazards at school.
 - b. Health appraisal of all pupils, including teacher observation and screening, nurse inspection, and health examinations by physicians and dentists.
 - c. Correction of remediable defects through the family and family physician and help in living effectively with non-corrective defects.
 - d. Prompt and proper care of emergency illnesses and accidents.
 - e. Adjustment of the school program to meet the needs of children with defects that cannot be corrected.

- f. Assisting in determining the content of health instruction as it relates to a particular group of children.
 - g. Providing information for individual health guidance.
 - h. Education of pupils and parents regarding available health resources and their use.
- 4. Physical education in grades 1-12.
 - 5. Athletics.

School and health department personnel work cooperatively in making health appraisals and in follow-up work. Children are first screened for deviations from normal by teachers who refer those suspected of needing some service to the nurse. Those children who appear to need further attention are referred to the health director, or their parents are advised to take their children to the family physician or dentist for further advice and/or for service if needed.

If the parents cannot afford to pay for the services needed, they may apply for aid from the school health funds mentioned below, or they may seek aid from the State Commission for the Blind, Crippled Children's Division of the State Board of Health, Division of Vocational Rehabilitation of the State Department of Public Instruction, the local welfare department, or from some other local organization or agency.

An annual appropriation has been made to the State Board of Education in implementing the School Health Program. School health funds are allocated to local school administrative units on the basis of 35 cents per pupil in average daily membership plus \$750 per county. According to law:

- a. 90 per cent of the funds may be spent only for diagnosis and the correction of chronic remediable defects.
- b. 10 per cent may be spent for case finding, health education and follow-up.
- c. Funds for correction of defects must be spent according to a State-wide uniform schedule of fees and cost.
- d. Welfare Department certification as to financial need of parents is required except for dental services costing less than ten dollars.

EDUCATION FOR EXCEPTIONAL CHILDREN

A program of education for exceptional children has been provided in the State Department of Public Instruction. (Sec. 115-200 General Statutes.)

This program includes the promotion, operation, and supervision of special courses of instruction for handicapped, crippled, and other classes of individuals requiring special type instruction. "Handicapped" has been defined to mean "any educable child or youth between the ages of six and twenty-one years, inclusive, having a physical and/or mental disability which makes regular school room activities impractical or impossible, and children having need for special educational services."

Special education services are now being provided as follows:

1. Classes for educable mentally retarded children, with the curriculum planned and adjusted to meet the needs of each individual child.
2. Speech correction, with a speech therapist working on an itinerant basis, meeting two or three times a week with children who stutter, or have delayed speech or articulation problems.
3. Classes for severely crippled children, with the children being brought into specially equipped classrooms.
4. Classes for the bedbound, with a teacher visiting the children in the homes and using the school-to-home teaching device, are being carried out on an experimental basis in local communities with funds from local sources.
5. Classes for visually handicapped children whose vision is too poor to read regular textbooks and who need bold-type books.
6. Individual instruction in speech voice training, lip reading, and auditory training for children who are hard of hearing.

The 1957 General Assembly enacted legislation to establish a program of training for trainable mentally handicapped children of school age. To carry out the provisions of this act, an appropriation of \$165,000.00 for each fiscal year of the biennium was made to the State Board of Education to be allocated to local boards of education on a per capita basis not to exceed \$300 per fiscal year for each eligible child enrolled in programs operated by local boards of education.

GUIDANCE SERVICES

The school's guidance service is aimed at assisting pupils in making the best possible adjustment in all areas of living. Thus it has a direct bearing on the attendance problem. Good attend-

ance, good citizenship, and wholesome motivation are by-products of good individual adjustment.

Most drop-out and attendance studies show some of the major contributing factors of the holding power of the school to be: the pupil's feeling of success or achievement, his sense of belonging in the school, his career plan, his desire to complete high school, and his participation in school activities. Counseling and guidance services in the school are designed to assist with these and other student needs.

Some general aims of counseling and guidance services are:

To help the pupil to become orientated to the school.

To help him understand himself and his environment and to make satisfying personal and social adjustments.

To help him know himself and his potentialities and to set goals and make plans in harmony with his needs and abilities.

To arouse in him ambitions within his reach and to encourage him to make maximum use of whatever abilities he may possess.

To encourage and assist him in selecting worthwhile in-school and out-of-school activities in relation to his interests, needs and abilities.

To assist him in identifying problems contributing to his dissatisfactions and in finding solutions to such problems.

Guidance services should be thought of as organized activities designed to give systematic aid to pupils in making wise choices and satisfactory adjustments to various types of problems which they meet—educational, vocational, health, personal and social. The heart of the guidance program is counseling, that service by which students are given individual assistance in identifying, undertaking and solving their problems, whether they be educational, vocational, or personal in nature. Every school should make some provision for counseling, either by having a trained professional counselor or teacher-counselors.

V. APPENDIX

LAWS FROM THE GENERAL STATUTES OF NORTH CAROLINA

SUBCHAPTER VII. EMPLOYEES

Article 17

Principals' and Teachers' Employment and Contracts

115-147. Power to suspend or dismiss pupils.—A district principal, or a building principal, shall have authority to suspend or dismiss any pupil who wilfully and persistently violates the rules of the school or who may be guilty of immoral or disreputable conduct, or who may be a menace to the school: Provided, any suspension or dismissal in excess of ten school days and any suspension or dismissal denying a pupil the right to attend school during the last ten school days of the school year shall be subject to the approval of the county or city superintendent. Every suspension or dismissal for cause shall be reported at once to the superintendent and to the attendance officer, who shall investigate the cause and deal with the offender in accordance with rules governing the attendance of children in school. (1955, c. 1372, art. 17, s. 5; 1959, c. 573, s. 12.)

SUBCHAPTER VII. PUPILS

Article 19

Census, Admissions and Attendance

115-161. Continuous school census.—The State Board of Education shall adopt such rules and regulations as may be necessary for taking a complete census of the school population and for installing and keeping in the office of the county and city superintendent in each school administrative unit of the State a continuous census of the school population. The cost of taking and keeping the census shall be included in the budget and shall be paid out of the current expense fund. If any parent, guardian, or other person having the custody of a child, refuses to give any properly authorized census taker the necessary information to enable such person to obtain an accurate and correct census, or shall knowingly and wilfully make any false

statement relative to the age or the mental or physical condition of any child, he shall be deemed guilty of a misdemeanor and upon conviction shall be fined not to exceed twenty-five dollars (\$25.00) or imprisoned not to exceed thirty days, in the discretion of the court. (1955, c. 1372, art. 19, s. 1.)

115-162. Age requirement and time of enrollment.—Children to be entitled to enrollment in the public schools for the school year 1955-1956, and each year thereafter, must have passed the sixth anniversary of their birth before October first of the year in which they enroll, and must enroll during the first month of the school year: Provided, that if a particular child has already been attending school in another state in accordance with the laws or regulations of the school authorities of such state before moving to and becoming a resident of North Carolina, such child will be eligible for enrollment in the schools of this State regardless of whether such child has passed the sixth anniversary of his birth before October first. The State Board of Education is hereby authorized and empowered, in its discretion, to change the above dates of October first. The principal of any public school shall have the authority to require the parents of any child presented for admission for the first time to such school to furnish a certified copy of the birth certificate of such child, which shall be furnished without charge by the register of deeds of the county having on file the record of the birth of such child, or other satisfactory evidence of date of birth. (1955, c. 1372, art. 19, s. 2.)

115-163. Pupils residing in school district shall have advantages of public schools.—All pupils residing in a school district or attendance area, and who have not been removed from school for cause, shall be entitled to all the privileges and advantages of the public schools of such district or attendance area in such school buildings to which they are assigned by county and city boards of education: Provided, that wherever pupils from non-tax units, districts, or attendance areas, are assigned to a school in a tax unit, district, or attendance area, the assignment shall be for only the current school year, unless satisfactory agreements are reached between all units, districts, or attendance areas concerned: Provided, further, that pupils residing in one administrative unit may be assigned either with or without the payment of tuition to a school located in another administrative unit upon such terms and conditions as may be agreed in writing

between the boards of education of the administrative units involved and entered upon the official records of such boards: Provided, further, that the assignment of pupils living in one administrative unit or district to a school located in another administrative unit or district, either with or without the payment of tuition, shall have no effect upon the right of the administrative unit or district to which said pupils are assigned to levy and collect any supplemental tax heretofore or hereafter voted in such administrative unit or district: Provided, further, the boards of education of adjacent administrative units may operate schools in adjacent units upon written agreements between the respective boards of education and approval by the county commissioners and the State Board of Education.

Unless otherwise assigned by the county or city board of education, the following pupils are entitled to attend the schools in the district or attendance area in which they reside:

1. All pupils of the district or attendance area who have not completed the prescribed course for graduation in the high school.

2. All pupils whose parents have recently moved into the unit, district, or attendance area for the purpose of making their legal residence in the same.

3. Any pupil or pupils living with either father, mother or guardian who has made his or her permanent home within the district. (1955, c. 1372, art. 19, s. 3.)

State Board No Longer Has Authority to Assign Children from One Unit to Another.—By virtue of the comprehensive rewriting of this chapter by ch. 1372, Sess. Laws of 1955, the State Board no longer has

the authority formerly vested in it to assign children from one administrative unit or district to another for the school term. In re Assignment of School Children, 242 N. C. 500, 87 S. E. (2d) 911 (1955).

115-164. Children at orphanages permitted to attend public schools.—Children living in and cared for and supported by an institution established or incorporated for the purpose of rearing and caring for orphan children shall be considered legal residents of the administrative unit in which the institution is located, and a part or all of said orphan children shall be permitted to attend the public school or schools of their administrative unit: Provided, that the provisions of this section shall be permissive only, and shall not be mandatory. (1955, c. 1372, art. 19, s. 4.)

Failure of Purpose of Trust.—A trust fund created by will for the purpose of educating through high school a girl inmate of an orphan asylum to be chosen by the board of trustees from time to time did not fall into the residuary clause for failure of the purpose of the trust on the ground that the State educated

orphan children through high school without charge under the provisions of a statute similar to this section, since the statute made the payment for the education of the children in orphan asylums permissive only. *Humphrey v. Board of Trustees*. 203 N. C. 201, 165 S. E. 547 (1932).

115-165. Children not entitled to attend public schools.—A child afflicted by mental or physical incapacity, or by such nervous disorders as to make it either impossible for such child to profit by instruction given in the public schools or impracticable for the teacher to properly instruct the normal pupils of the school, shall not be permitted to enroll or attend the public schools of the State.

In case such child is presented for enrollment in the public schools, it shall be the duty of the principal of the school to report the case to the county superintendent of public welfare, and it shall be his duty to report all such cases to the State Board of Public Welfare. Whereupon said Board shall make, or cause to be made by qualified psychologists or medical authorities, an examination to ascertain the mental and physical incapacity of said child and report the same to the county or city superintendent of schools concerned. Such examination shall determine whether said child can profit mentally by attending the public schools and whether his physical capacities are such that he can attend school without disturbing the orderly procedure of a normal classroom and the report shall so state. Upon receipt of said report the county or city superintendent of schools is hereby authorized to exclude said child from the public schools. In all such cases in which a child is excluded from schools, a complete record of the transaction shall be filed in the office of the county or city superintendent and shall be available to the parties concerned. If the parent or guardian of such a child persists in forcing his attendance after such report has determined that he should not attend the public schools, he shall be guilty of a misdemeanor and upon conviction shall be punished in the discretion of the court. (1955, c. 1372, art. 19, s. 5.)

Article 20

General Compulsory Attendance Law

115-166. Parent or guardian required to keep child in school; exceptions.—Every parent, guardian or other person in this State having charge or control of a child between the ages of seven and sixteen years shall cause such child to attend school continuously for a period equal to the time which the public school to which the child is assigned and in which he is enrolled shall be in session; provided, this requirement shall not apply with respect to any child when the board of education of the administrative unit in which the child resides find that:

- “(1) Such child is now assigned against the wishes of his parent or guardian, or person standing in loco parentis to such child, to a public school attended by a child of another race and it is not reasonable and practicable to reassign such child to a public school not attended by a child of another race; and
- “(2) It is not reasonable and practicable for such child to attend a private nonsectarian school.” (Sec. 115-166.)

The principal, superintendent, or teacher who is in charge of such school shall have the right to excuse a child temporarily from attendance on account of sickness, distance of residence from bus route or school, or other unavoidable cause which does not constitute truancy as defined by the State Board of Education. The term “school” as used herein is defined to embrace all public schools and such private schools as have tutors or teachers and curricula that are approved by the county or city superintendent of schools or the State Board of Education.

All private schools receiving and instructing children of a compulsory school age shall be required to keep such records of attendance and render such reports of the attendance of such children and maintain such minimum curriculum standards as are required of public schools; and attendance upon such schools, if the school or tutor refuses or neglects to keep such records or to render such reports, shall not be accepted in lieu of attendance upon the public school of the district to which the child shall be assigned: Provided, that instruction in a private school or by private tutor shall not be regarded as meeting the requirements of the law unless the courses of instruction run concurrently with the term of the public school in the district and ex-

tend for at least as long a term. (1955, c. 1372, art. 20, s. 1; 1956, Ex. Sess., c. 5.)

Editor's Note.—The 1956 amendment added the proviso to the first paragraph.

Sufficiency of Indictment.—For a conviction of failure to keep children in school it is necessary for the indictment to allege, and the State offer evidence tending to show, not only that the parent or guardian of the children within the prescribed age had failed or refused to send them to the public school within the district, but also that such child or children had not been sent to attend school periodically for a period equal to the time which they reside shall be in session. *State v. Johnson*, 188 N. C. 591, 125 S. E. 183 (1924).

Same—Private Schools.—An indictment charging a parent with unlawful and willfully failing to cause his children, between the ages of 8 and 14 years, to attend the public schools of the district of his and the children's residence, as required by the statute, is defective in not ob-

serving the distinction that the parent, having the custody of his children, may have them attend private schools for the required period, and no conviction may be had under the charge set out in the indictment. *State v. Lewis*, 194 N. C. 620, 140 S. E. 434 (1927).

Same—Burden Not on Parent.—Where the indictment is defective in failing to charge that a parent or guardian had also failed to send the child or children to another than the district school, etc., under the provisions of the statute, and the State offers no evidence in respect to it, it is not required that the parent or guardian offer evidence to show that he had complied with the proviso of the statute; and an instruction of the court to the jury placing the burden upon the defendant to so show is reversible error. *State v. Johnson*, 188 N. C. 591, 125 S. E. 183 (1924).

115-167. State Board of Education to make rules and regulations; method of enforcement.—It shall be the duty of the State Board of Education to formulate such rules and regulations as may be necessary for the proper enforcement of the provisions of this article. The Board shall prescribe what shall constitute truancy, what causes may constitute legitimate excuses for temporary nonattendance due to physical or mental inability to attend, and under what circumstances teachers, principals, or superintendents may excuse pupils for nonattendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State. It shall be the duty of all school officials to carry out such instructions from the State Board of Education, and any school official failing to carry out such instructions shall be guilty of a misdemeanor: Provided, that the compulsory attendance law herein prescribed shall not be in force in any city or county that has a higher compulsory attendance feature than that provided herein. (1955, c. 1372, art. 20, s. 2.)

115-168. Attendance officer; reports; prosecutions.—The State Superintendent of Public Instruction shall prepare such rules and procedure and furnish such blanks for teachers and other school officials as may be necessary for reporting each case of truancy or lack of attendance to the attendance officer of the respective administrative units. Such rules shall provide, among other things, for a notification in writing to the person responsible for the nonattendance of any child, that the case is to be reported to the attendance officer of the administrative unit unless the law is complied with immediately. County or city boards of education may employ special attendance officers to be paid from funds provided in the current expense fund budget of such administrative unit and such officers shall have full authority to report and swear to the necessary criminal warrants for violations of this article: Provided, that in any unit where a special attendance officer is employed, the duties of attendance officer or truant officer as provided by law shall, insofar as they relate to such unit, be transferred from the county superintendent of public welfare to the special attendance officer of said unit. (1955, c. 1372, art. 20, s. 3; 1957, c. 600.)

Local Modification.—Graham: 1957, c. 261. tence the words "report and swear to the necessary criminal warrants

Editor's Note.—The 1957 amendment substituted in the last sentence the words "prosecute for."

115-169. Violation of law; penalty.—Any parent, guardian or other person violating the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and upon failure to pay such fine, the said parent, guardian or other person shall be imprisoned not exceeding thirty days in the county jail. (1955, c. 1372, art. 20, s. 4.)

115-170. Investigation and prosecution by welfare superintendent or attendance officer.—The county superintendent of public welfare, or school attendance officer, or truant officer provided for by law, shall investigate and prosecute all violators of the provisions of this article. The reports of unlawful absence required to be made by teachers and principals to the attendance officer shall, in his hands, in case of any prosecution, constitute prima facie evidence of the violation of this article and the burden of proof shall be upon the defendant to show the lawful attendance of the child or children upon an authorized school. (1955, c. 1372, art. 20, s. 5.)

115-171. Investigation as to indigency of child.—If affidavit shall be made by the parent of a child or by any other person that any child between the ages of seven and sixteen years is not able to attend school by reason of necessity to work or labor for the support of itself or the support of the family, then the attendance officer shall diligently inquire into the matter and bring it to the attention of some court allowed by law to act as a juvenile court, and said court shall proceed to find whether as matter of fact such parents, or persons standing in loco parentis, are unable to send said child to school for the term of compulsory attendance for the reasons given. If the court shall find, after careful investigation, that the parents have made or are making bona fide effort to comply with the compulsory attendance law, and by reason of illness, lack of earning capacity, or any other cause which the court may deem valid and sufficient, are unable to send said child to school, then the court shall find and state what help is needed for the family to enable the attendance law to be complied with. The court shall transmit its findings to the superintendent of public welfare of the county or city in which the case may arise for such welfare officer's consideration and action. (1955, c. 1372, art. 20, s. 6.)

115-172. Deaf and blind children to attend school; age limits; minimum attendance.—Every deaf and every blind child of sound mind in North Carolina who shall be qualified for admission into a State school for the deaf or the blind shall attend a school for the deaf or the blind for a term of nine months each year between the ages of six and eighteen years. Parents, guardians, or custodians of every such blind or deaf child between the ages of six and eighteen years shall send, or cause to be sent, such child to some school for instruction of the blind or deaf as herein provided: Provided, that the board of directors of any school for the blind or deaf may exempt any such child from attendance at any session during any year, and may discharge from their custody any such blind or deaf child whenever such discharge seems necessary or proper. Whenever a blind or deaf child shall reach the age of eighteen years and still unable to become self-supporting because of his defects, such child shall continue in said school until he reaches the age of twenty-one, unless he becomes self-supporting sooner. (1955, c. 1372, art. 20, s. 7.)

115-173. Parents, etc., failing to send deaf child to school guilty of misdemeanor; proviso.—The parents, guardians, or

custodians of any deaf children between the ages of six and eighteen years failing to send such deaf child or children to some school for instruction, as provided herein, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, for each year said deaf child is kept out of school, between the ages herein provided: Provided, that this section shall not apply or be enforced against the parent, guardian, or custodian of any deaf child until such time as the superintendent of any school for the instruction of the deaf, by and with the approval of the executive committee of such institution, shall in his and their discretion serve written notice on such parent, guardian, or custodian, directing that such child be sent to the institution whereof they have charge. (1955, c. 1372, art. 20, s. 8.)

115-174. Parents, etc., failing to send blind child to school guilty of misdemeanor, provisos.—The parents, guardians, or custodians of any blind child or children between the ages of six and eighteen years failing to send such child or children to some school for the instruction of the blind shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, for each year that such child or children shall be kept out of school between the ages specified. Provided, (1) that this section not be enforced against the parents, guardians, or custodians of any blind child until such time as the authorities of some school for the instruction of the blind shall serve written notice on such parents, guardians, or custodians directing that such child be sent to the school whereof they have charge; and (2) that the authorities of the State School for the Blind and the Deaf shall not be compelled to retain in their custody or under their instruction any incorrigible person or persons of confirmed immoral habits. (1955, c. 1372, art. 20, s. 9.)

115-175. Superintendent to report defective children.—It shall be the duty of the county and city superintendents to report through proper legal channels, the names and addresses of parents, guardians, or custodians of deaf, mute, blind and feeble-minded children to the principal of the institution provided for each. (1955, c. 1372, art. 20, s. 10.)

Article 21

Assignment and Enrollment of Pupils

115-176. Authority to provide for assignment and enrollment of pupils; rules and regulations.—Each county and city board of education is hereby authorized and directed to provide for the assignment to a public school of each child residing within the administrative unit who is qualified under the laws of this State for admission to a public school. Except as otherwise provided in this article, the authority of each board of education in the matter of assignment of children to the public schools shall be full and complete, and its decision as to the assignment of any child to any school shall be final. A child residing in one administrative unit may be assigned either with or without the payment of tuition to a public school located in another administrative unit upon such terms and conditions as may be agreed in writing between the boards of education of the administrative units involved and entered upon the official records of such boards. No child shall be enrolled in or permitted to attend any public school other than the public school to which the child has been assigned by the appropriate board of education. In exercising the authority conferred by this section, each county and city board of education shall make assignments of pupils to public schools so as to provide for the orderly and efficient administration of the public schools, and provide for the effective instruction, health, safety, and general welfare of the pupils. Each board of education may adopt such reasonable rules and regulations as in the opinion of the board are necessary in the administration of this article. (1955, c. 366, s. 1; 1956, Ex. Sess., c. 7., s. 1.)

Editor's Note.—The 1956 amendment rewrote this section, making it applicable to the assignment of pupils and to rules and regulations.

Constitutionality.—The standards set forth in 115-177 as it stood before the 1956 amendment thereto, which standards were the same as those now set forth in the next to the last sentence of this section, were not on their face insufficient to sustain the exercise of the administrative power conferred. *Carson v. Warlick*, 238 F. (2d) 724 (1956).

Administrative Remedy Must Be Exhausted. — The administrative remedy provided by this article for persons who feel that they have not been assigned to the schools that they are entitled to attend must be exhausted before the federal courts will give relief. *Carson v. Board of Education*, 227 F. (2d) 789 (1955); *Carson v. Warlick*, 238 F. (2d) 724 (1956).

Quoted in *Joyner v. McDowell County Board of Education*, 244 N. C. 164, 92 S. F. (2d) 724 (1956).

115-177. Methods of giving notice in making assignments of pupils.—In exercising the authority conferred by 115-176, each county or city board of education may, in making assignments of pupils, give individual written notice of assignment, on each pupil's report card or by written notice by any other feasible means, to the parent or guardian of each child or the person standing in loco parentis to the child, or may give notice of assignment of groups or categories of pupils by publication at least two times in some newspaper having general circulation in the administrative unit. (1955, c. 366, s. 2; 1956, Ex. Sess., c. 7, s. 2.)

Editor's Note.—The 1956 amendment rewrote this section which formerly related to exercise of authority for efficient administration and instruction, etc.

115-178. Application for reassignment; notice of disapproval; hearing before board.—The parent or guardian of any child, or the person standing in loco parentis to any child, who is dissatisfied with the assignment made by a board of education may, within ten (10) days after notification of the assignment, or the last publication thereof, apply in writing to the board of education for the reassignment of the child to a different public school. Application for reassignment shall be made on forms prescribed by the board of education pursuant to rules and regulations adopted by the board of education. If the application for reassignment is disapproved, the board of education shall give notice to the applicant by registered mail, and the applicant may within five (5) days after receipt of such notice apply to the board for a hearing, and shall be entitled to a prompt and fair hearing on the question of reassignment of such child to a different school. A majority of the board shall be a quorum for the purpose of holding such hearing and passing upon application for reassignment, and the decision of a majority of the members present at the hearing shall be the decision of the board. If, at the hearing, the board shall find that the child is entitled to be reassigned to such school, or if the board shall find that the reassignment of the child to such school will be for the best interests of the child, and will not interfere with the proper administration of the school, or with the proper instruction of the pupils there enrolled, and will not endanger the health or safety of the children there enrolled, the board shall direct that the child be reassigned to and admitted to such school. The board shall render prompt decision upon the hearing, and notice of the

decision shall be given to the applicant by registered mail. (1955, c. 366, s. 3; 1956, Ex. Sess., c. 7, s. 3.)

Editor's Note.—The 1956 amendment rewrote this section which formerly related to hearing before board upon denial of application for enrollment.

Right of Parent to Apply for Enrollment of Child in School.—The provisions of this section authorize the parent to apply to the appropriate public school official for the enrollment of his child or children by name in any public school within the county or city administrative

unit in which such child or children reside. But such parent is not authorized to apply for admission of any child or children other than his own, unless he is the guardian of such child or children or stands in loco parentis to such child or children. *Joyner v. McDowell County Board of Education*, 244 N. C. 164, 92 S. E. (2d) 795 (1956).

Quoted in *Carson v. Warlick*, 238 F. (2d) 724 (1956).

115-179. Appeal from decision of board.—Any person aggrieved by the final order of the county or city board of education may at any time within ten (10) days from the date of such order appeal therefrom to the superior court of the county in which such administrative school unit or some part thereof is located. Upon such appeal, the matter shall be heard de novo in the superior court before a jury in the same manner as civil actions are tried and disposed of therein. The record on appeal to the superior court shall consist of a true copy of the application and decision of the board, duly certified by the secretary of such board. If the decision of the court be that the order of the county or city board of education shall be set aside, then the court shall enter its order so providing and adjudging that such child is entitled to attend the school as claimed by the appellant, or such other school as the court may find such child is entitled to attend, and in such case such child shall be admitted to such school by the county or city board of education concerned. From the judgment of the superior court an appeal may be taken by any interested party or by the board to the Supreme Court in the same manner as other appeals are taken from judgments of such court in civil actions. (1955, c. 366, s. 4.)

Appeal Must Be Prosecuted in Behalf of Child by Interested Parent.—An appeal to the superior court from the denial of an application made by any parent, guardian or person standing in loco parentis to any child or children for the admission of such

child or children to a particular school, must be presented in behalf of the child or children by the interested parent, guardian or person standing in loco parentis to such child or children respectively and not collectively. *Joyner v. McDowell County Board of*

Education, 244 N. C. 164, 92 S. E. (2d) 795 (1956).

Application for Mandamus Requiring Integration of Negro Pupils Not Authorized.—An application for mandamus, requiring the immediate integration of all Negro pupils residing in the administrative unit, is neither contemplated nor authorized by this section. *Joyner v. McDowell County Board of Education*, 244 N. C. 164, 92 S. E. (2d) 795 (1956).

Right to Pursue Remedies for De-

nial of Constitutional Rights in Federal Courts.—The appeals in the courts which this article provides are judicial, not administrative, remedies, and after administrative remedies before the school boards have been exhausted, judicial remedies for denial of constitutional rights may be pursued at once in the federal courts without pursuing State court remedies. *Carson v. Warlick*, 238 F. (2d) 724 (1956).

CHILD ACCOUNTING FORMS

1. Census Card

INDIVIDUAL SCHOOL CENSUS CARD

(Last Name)	(First Name)	(Middle Name)
Date of Birth:		
Year.....	Month.....	Day.....
Birthplace.....		Boy..... Girl..... Race.....
Address: (In pencil) City..... County.....		
Is child deaf?.....		Blind?..... Crippled?.....
Feebleminded?.....		
How was date of birth fixed: Birth certificate?.....		
Bible record?.....		Parent's statement?..... Other.....
Other helpful information:.....		
..... (Parent's or guardian's signature)		

DIRECTIONS

There should be one card for each child between the ages of 6 and 21. Indicate, age, race, sex, and deaf, crippled or feebleminded by X mark. Write date in figures as 1954-6-2 (June 2, 1954). When a child moves teacher will write on back of card to what town, district or county to which he goes or from which he comes and send a duplicate of the card to the superintendent. As soon as he is six years old make out duplicate cards for him and send one to the superintendent. When a child dies, note fact of death on card and send to superintendent. In the case of revised cards the superintendent will send a duplicate to the superintendent into whose city or county the child goes. If the child is not in public school, indicate what school he attends. A Summary Card is available for reporting census figures to the superintendent.

2. Notice of Absence

FORM C3

NOTICE OF ABSENCE (TEACHER'S NOTICE TO PARENT OR GUARDIAN)

19

Mr. _____ :

You are hereby notified that your child, _____ ,
age _____ years, was absent from school on _____ 19 _____.

The Compulsory Attendance Law makes it necessary for you to give an excuse for this absence. You may use the other side of this form for writing this excuse. Unless there is a good reason for continued absence, the child should be returned to school immediately.

Failure to give the required excuse will be considered as evidence in the violation of the Compulsory Attendance Law, and make it necessary that the absence of your child be reported to the Attendance Officer for his attention and investigation.

Very truly yours,

Teacher

Note: The Rules and Regulations governing the Compulsory Attendance Law require that the teacher shall send a written or printed notice to every parent or other person whose child has been absent, unless satisfactory excuse for such absence has already been rendered. If no satisfactory excuse is obtained, then the child shall be reported to the principal, who will in turn report him to the attendance officer as having violated the Compulsory Attendance Law.

3. Report of Unlawful Absence—Form C5

The teacher shall use this form in reporting to the principal the name of any child who has been or is unlawfully absent. Upon receipt of a report from the teacher giving the name of a pupil who has been absent unlawfully the principal shall, upon being satisfied that such pupil has been or is now unlawfully absent, report same with such additional information requested on this form to the attendance officer of his administrative unit. Use a separate form for each child so reported.

Form C5

REPORT OF UNLAWFUL ABSENCE
(Individual Pupil, Age 7-15 years, Inclusive)

Date _____ 19 _____

_____ To ATTENDANCE OFFICER: I
Name of Pupil Absent hereby report the pupil named
Age _____ Grade _____ Race _____ hereon as having violated the
Compulsory Attendance Law.

_____ School Signed: _____
Teacher.

Days Absent (Unexcused) _____ Approved: _____
Principal.

Days Absent _____ Address _____

Absence Due to: Parental Indifference _____ Truancy _____ Poverty _____

Date Notice Sent _____

Name of Parent or Guardian _____

Address _____

(Detail of Instructions, as to roads, community, etc., as to locating home)

(Over)

(Reverse)

Date _____ 19 _____

TO THE PRINCIPAL:

On _____ 19 _____ I investigated the unlawful absence of the pupil named on the other side of this report and am giving the following results and comments:

Signed _____

Attendance Officer

Note: The reverse side of this report should be prepared in duplicate and both copies given or sent to the attendance officer. After investigation or prosecution the attendance officer will complete this side and return the duplicate to the principal, keeping the original for his files.

4. School Record—Form D.L.4.

Two weeks previous to the close of the school term the teacher or principal shall read and explain the child labor law and rulings of the Department of Labor to the pupils. Opportunity shall then be given to those expecting to enter employment to make their desire known to the teacher or principal. Those wishing to enter employment will be furnished with a school record of evidence. The evidence secured upon this school record of evidence will be considered by the Superintendent of Public Welfare or authorized agent of the Department of Labor in issuing a child labor certificate in accordance with the provisions of the Child Welfare Law. (Chapter 110, N. C. Code.)

Form D. L. 4

N. C. DEPARTMENT OF LABOR

SUPERINTENDENT OF WELFARE

SCHOOL RECORD

This will certify that _____
Name of Minor Age Sex Color

Address _____
Street City or Town County

has completed the _____ grade in school,
according to the school records of the _____
Name of School

in _____
City or Town (County)

School official _____
Signature

Date _____ 19____.

Official Title

5. Suggested Form for Suspension or Dismissal

REPORT OF SUSPENSION OR DISMISSAL (Individual Pupil, Age 7-15 Years, Inclusive)

Date.....19.....

TO ATTENDANCE OFFICER: I hereby report the pupil named below as having been suspended, dismissed (Strike out one.)

(Name of Pupil)

Age.....Grade.....Race.....School.....

Effective date of suspension or dismissal:.....19.....

End of suspension or dismissal period:.....19.....

Reason for suspension or dismissal:.....

Signed.....
(Principal)

Approved:.....
(*Superintendent)

Name of parent or guardian:.....

Address:.....

cc: Superintendent of Public Welfare
Judge of Juvenile Court

*Any suspension or dismissal in excess of ten days or during the last ten days of school must be approved by the superintendent.





UNIVERSITY OF N.C. AT CHAPEL HILL



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